In the High Court of Punjab & Haryana at Chandigarh.

Crl. Revision No. 2156 of 2007

Date of decision: November 15, 2007

Chattar Singh and others

.. Petitioners

versus

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal.

Present: Mr. J.S. Bedi, Advocate for the petitioners.

A.N. Jindal, J (Oral)

This revision petition arises from the order dated 17.9.2007 vide which, the petitioners have been charged under Sections 148, 307/149, 149, 323/149, 506 IPC.

The case has been registered at the instance of Hawa Singh who disclosed that on 17.2.2007 at about 10/10.30 P.M., when he along with his cousin Kiran Singh went to the field, he found that Suraj Bhan, Shamsher son of Hari Singh and Pardeep Kumar son of Baljit Singh, who were having adjoining fields, had diverted the rain water to their fields. As a sequel of which, an altercation took place between Karan Singh, Suraj Bhan, Shamsher Singh and Pardeep and later on they came to their village. Karan Singh told that when the complainant, Chatter Singh, Subhash son of Ishwar, Bala Devi wife of Subhas, Karan Singh and Ramwati w/o Karan Singh were asking Karan Singh about the quarrel, then Shamsher Singh armed with gandasa, Suraj Bhan armed with lathi, Pardeep and Mahender armed with Jelly came there. Jagminder armed with Saria, Sunder Lal and Satyawan armed with lathi, Amar Nath son of Hari Kishan armed with danda also came there. They exhorted to teach them a lesson. Thereafter, Shamsher Singh inflicted gandasa blow on the forehead of the complainant, Suraj Bhan inflicted lathi blow on his right arm. In the meanwhile, his elder brother Chander Bhan also came there. He was also inflicted injuries. Chattar Singh, Subhash, Bala Devi, Karan Singh and Ramwati also suffered injuries. Hawa Singh etc. also caused injuries to the other party.

The present petitioners have been challaned for causing injuries

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to Shamsher Singh, Mohinder Singh, Joginder Singh and Pardeep with deadly weapons. Shamsher Singh suffered head injury and fracture of the left clavicle. The Board of doctors constituted in the P.G.I. declared the injuries as grievous in nature under Clause 8 of Section 320 IPC as dangerous to life.

From the aforesaid discussions, it is observed that the trial court was right in framing the charge. Even otherwise, at the stage of framing of the charge, the court is not to delve deep into the merits of the case, but only examine if the accused have prima facie committed an offence for the purpose of trial.

Having examined the records of the case, no apparent illegality appears to have been committed by the trial court.

Consequently, the instant petition being without any merit is hereby dismissed.

November 15, 2007 (A.N. Jindal)
deepak Judge